IS A STUDENT ON AN IEP AUTOMATICALLY ELIGIBILE FOR SECTION 504 SERVICES?

Overlap between Section 504 and the IDEA is not entirely clear - some practitioners believe a child's IDEA eligibility automatically makes them a "qualified handicapped person" under Section 504. The 10th Circuit took the opposite view – Firmly stating that IDEA-eligible students must still show their disabilities substantially limit a major life activity.

- 1. Under Section 504 regulations a person is considered handicapped if they have a physical or mental impairment that substantially limits a major life activity.
- 2. IDEA covers a broad range of disabilities, as the court said the mere existence of an IEP did not in itself establish a substantial limitation on the child's ability to learn.
- 3. ADA also requires a showing of **substantial limitation**.

CONSIDER APPROPRIATNESS OF REQUEST FOR ACCOMMODATIONS

- 1. When considering Parents requests what should be considered?
 - Districts may not be required to grant requests for additional accommodations if they can show a student is receiving FAPE under his existing 504 plan.
- 2. Conduct 504 evaluations for all students with diabetes.
 - This will ensure you protect the student's rights and help your district avoid compliance errors. Not all students may be eligible for services, but your district will now have the proper evaluation procedures and documentation in place.
- 3. Ensure to provide services under the appropriate plan.
 - Review the student's Individual Help Plan (IHP) and asks the question: "Did the student receive the services in their IHP and were they able to participate in their educational program?" If the answer is "No", then consider the student's eligibility for services under Section 504.

